

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

William McLaughlin, currently an inmate at the Curran-
Fromhold Correctional Facility in Philadelphia

Case No. 23-MJ-75

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the _____ Eastern _____ District of _____ Pennsylvania _____, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §§ 922(g)

Offense Description

Possession of a firearm by a felon

The application is based on these facts:

See attached affidavit

- ☐ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ David Palma

Applicant's signature

TFO David Palma, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: _____ 01/17/2023 _____

/s/ Lynne A. Sitarski

Judge's signature

City and state: _____ Philadelphia, PA _____

Honorable Lynne A. Sitarski, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, TFO David Palma, of the Bureau of Alcohol, Tobacco Firearms and Explosives (ATF) and, being duly sworn, hereby deposes and states as follows:

INTRODUCTION and BACKGROUND

1. I make this affidavit in support of applications under Rule 41 of the Federal Rules of Criminal Procedure for search and seizure warrants for the person of William McLAUGHLIN (DOB: 05/25/1985) as described in Attachment A, to obtain oral secretion (epithelial cells) by rubbing cotton swabs against the inner cheek lining of McLAUGHLIN's mouth cavity, in sufficient quantity for scientific examination and comparison for DNA typing and DNA comparison, as described in Attachment B. Currently, McLAUGHLIN is an inmate at the Curran-Fromhold Correctional Facility, located in Philadelphia, Pennsylvania.

2. I am an "investigative or law enforcement officer" as defined in 18 U.S.C. § 3051, as such, I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

3. I am a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been since 2020. I am currently assigned to the ATF Philadelphia Crime Gun Enforcement Team (CGET), whose primary mission is to investigate those individuals and groups that are engaged in the commission of violent state and federal violations. Prior to becoming a TFO, I was assigned to the Special Investigations Unit of Southwest Detective Division within the Philadelphia Police Department. As a member of Southwest Detectives, I was jointly assigned to Philadelphia's Gun

Violence Reduction Task Force for approximately (3) years. During my law enforcement career, I have investigated an array of complex federal and state crimes. I have training and experience in the use of cellular telephones and social media during and in the furtherance of criminal activity. I also have training and experience in the searching of cellular telephones and social media to ascertain evidence of criminal conduct that may be present on such devices and accounts. In these investigations, I have been involved in the application for and execution of numerous arrest and search warrants related to the aforementioned criminal offenses. I have received specialized training from ATF relating to the use of firearms in violent crime and ballistic technology used to identify, match and link crime guns to incidents. My law enforcement experience has included numerous investigations of violent crime, firearm and drug-related offenses resulting in the seizure of various controlled substances and firearms. These investigations have resulted in the arrest and successful prosecution of individuals who have committed violations of federal and state law, including but not limited to firearms offenses and narcotics trafficking. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by violent criminal offenders.

4. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as information received from others, including law enforcement officers. I have not included every fact known to me concerning this investigation, and, instead, I have submitted only those facts and circumstances that I believe establish probable cause to believe McLAUGHLIN's DNA will reveal evidence of McLAUGHLIN possessing a firearm and in violation of being a felon in possession of firearms, 18 U.S.C. § 922(g)(1).

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

6. The United States, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is conducting a criminal investigation of William McLAUGHLIN regarding violations of 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm)

7. On November 11, 2022, at approximately 7:35 p.m., Philadelphia Police Officers Duffy and Song were on routine patrol when they stopped a gray Buick Verano bearing Pennsylvania License Plate LPB-9235, in the area of 3200 Magee Ave., Philadelphia, PA., for committing a motor vehicle code violation.

8. Upon stopping the vehicle, Officer Duffy approached from the driver side and Officer Song approached from the passenger side. The officers observed three occupants inside of the vehicle; a female driver identified as Trina SCOTT, who was also the registered owner of the vehicle, a male front seat passenger identified as William McLAUGHLIN, and a young child in the rear passenger seat behind McLAUGHLIN.

9. The officers asked SCOTT and McLAUGHLIN for their information, which they complied. Officer Duffy asked SCOTT and McLAUGHLIN if either of them had a permit to carry a firearm and if there were any weapons inside of the vehicle, which they both replied “no”.

10. Officer Duffy then asked SCOTT and McLAUGHLIN if either of them had ever been arrested. SCOTT replied “no” and McLAUGHLIN replied “yes, back in 2004”. Officer Duffy then asked McLAUGHLIN if he was every arrested for firearms, and McLAUGHLIN replied “no”, he was arrested years ago for a fight.

11. Officer Song noted that McLAUGHLIN appeared to be extremely nervous and shaking and hesitated when he was asked about the firearms.

12. The officers then went back to their patrol vehicle to conduct records checks on SCOTT and McLAUGHLIN.

13. During the records checks the officers became aware that McLAUGHLIN had previously been arrested for firearms violations and murder, which contradicted what McLAUGHLIN had told them. Additionally, Officer Duffy observed McLAUGHLIN turn his body to the right and out of view for a couple seconds. Officer Duffy observed the vehicle moving, as if someone was moving inside of the vehicle.

14. The officers re-approached the vehicle and asked McLAUGHLIN to exit, which he complied.

15. While outside of the vehicle and separated from SCOTT, McLAUGHLIN continued to deny his criminal history. Officer Duffy then re-approached SCOTT, leaving McLAUGHLIN outside of the vehicle with Officer Song.

16. Officer Duffy again asked SCOTT if there were any weapons inside of the vehicle, and she replied “no”. Officer Duffy advised SCOTT that he could have a canine officer come to their location to sweep the vehicle or she could give consent for the officers to search it. SCOTT agreed to the search but asked if she could remove her child from the vehicle first.

17. Officer Duffy looked into the vehicle, and McLAUGHLIN fled on foot. Officer Song pursued McLAUGHLIN on foot and Officer Duffy recovered from the rear passenger side floor-board area underneath a white bag, one black Glock model 22, .40 caliber pistol, bearing serial number BSBT926. The pistol was loaded with (18) rounds of live ammunition in the extended magazine and (1) round in the chamber. The pistol was also altered with a “Glock” conversion switch, thereby making it a machine gun. The pistol was recovered on the rear passenger side, floor-board area directly behind the passenger seat where McLAUGHLIN had been sitting.

18. Officer Duffy secured the pistol, then left the location to assist Officer Song, who was still in foot pursuit of McLAUGHLIN.

19. McLAUGHLIN was subsequently apprehended on 2900 Unruh St.

20. Following the arrest of McLAUGHLIN, the officers returned to the locations of the incident. The Buick Verano was still on location however, SCOTT and the child were no longer on location.

21. McLaughlin was arrested and transported to Jefferson Frankford Hospital for treatment.

22. On November 11, 2022, Philadelphia Police Detective Cappel prepared state search warrant # 260216 to extract a DNA sample from inside the mouth of McLAUGHLIN.

23. When Detective Cappel attempted to execute the state search warrant, McLAUGHLIN refused to cooperate, and the DNA sample was not obtained.

24. Your affiant conducted a criminal history check on McLAUGHLIN, which revealed him to be statutorily prohibited from possessing firearms due to multiple felony

convictions, most recently a conviction for Murder under Philadelphia Court Docket number CP-51-CR-0102271-2005, on June 12, 2006.

25. Additionally, neither SCOTT nor MCLAUGHLIN possess a permit to carry firearms in the state of Pennsylvania.

26. Based on my training and experience, I know that when a person handles a weapon, he or she may leave behind traces of DNA where he or she touched. This DNA can be recovered and examined by experts at a forensic laboratory, and a DNA profile may be obtained.

27. Based on my training and experience, I am aware that a forensics laboratory can conduct a comparison of a sample to any recovered DNA if it obtains buccal cavity swabs, that is, in this case, swabs from inside the cheek area, of McLAUGHLIN. The DNA profile obtained through such swabs can be compared with any DNA profile derived from the above-described Glock model 22, .40 caliber pistol.

28. Based on the above facts, there is probable cause to believe that McLAUGHLIN was in unlawful possession of the above-described firearm. Comparing McLAUGHLIN's DNA profiles to any DNA profile obtained from the above-described .40 caliber, Glock, model 22 semi-automatic pistol would provide evidence related to the gun offense described above.

29. Thus, there is probable cause to search the person of William McLAUGHLIN to seize, for further testing and analysis by laboratory personnel, the following:

ORAL SECRETION (EPITHELIAL CELLS) obtained by rubbing cotton swabs against the cheek lining of the mouth, in sufficient quantity for scientific examination and comparison for Deoxyribonucleic Acid (DNA) typing and DNA comparison.

30. ATF seeks the DNA of William McLAUGHLIN so that it can obtain a laboratory comparison of McLAUGHLIN's DNA to any DNA that was obtained from the Glock model 22, .40 caliber pistol semi-automatic pistol, bearing SN BSBT926, as described above.

Respectfully submitted,

/s/ David Palma

David Palma

Task Force Officer

Bureau of Alcohol, Tobacco, Firearms and

Explosives

SUBSCRIBED and SWORN to before me on January 17th, 2023

/s/ Lynne A. Sitarski

The Honorable Lynne A. Sitarski

United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

William McLAUGHLIN, a male with a date of birth of May 25, 1985, FBI Number of 308323EC3, who is currently an inmate at the Curran-Fromhold Correctional Facility with PA State Identification Number 31655374.

ATTACHMENT B

Particular Things to be Seized

Oral secretion (epithelial cells) by rubbing cotton swabs against the inner cheek lining of the mouth cavities of the William McLAUGHLIN described in Attachment A, in sufficient quantity for scientific examination and comparison for DNA typing and DNA comparison.

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))

Case No. 23-MJ-75

William McLaughlin, currently an inmate at the)
Curran-Fromhold Correctional Facility in Philadelphia)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Pennsylvania
(identify the person or describe the property to be searched and give its location):

See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B

YOU ARE COMMANDED to execute this warrant on or before January 27, 2022 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the duty magistrate.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____ .

Date and time issued: 01/17/2023 2:22 pm/s/ Lynne A. Sitarski*Judge's signature*City and state: Philadelphia, PAHonorable Lynne A. Sitarski, U.S. Magistrate Judge*Printed name and title*

ReturnCase No.:
23-MJ-75

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title